

[SUBMITTING COUNSEL ON SIGNATURE
PAGE]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JOHN NYPL, et al.,

Plaintiffs,

v.

JPMORGAN CHASE & CO., et al.,

Defendants.

Case No. 3:15-cv-02290-VC

**STIPULATION AND [PROPOSED]
ORDER REGARDING SERVICE OF THE
FIRST AMENDED CLASS ACTION
COMPLAINT; SETTING A SCHEDULE
FOR DEFENDANTS TO MOVE TO
TRANSFER VENUE; AND PRESERVING
ALL DEFENSES**

1 Plaintiffs John Nypl, Lisa McCarthy, MAD Travel, Inc. a.k.a. Travel Leaders, Valarie Jolly,
2 Go Everywhere, Inc., William Rubensohn d.b.a. Rubensohn Travel (collectively, "Plaintiffs"); and
3 Defendants J.P. Morgan Chase & Co., J.P. Morgan Chase N.A., Bank of America NA, HSBC
4 Finance Corporation, HSBC Bank USA, HSBC North America Holdings, Inc., HSBC Holdings plc,
5 Citigroup, Inc., UBS AG, Barclays PLC, Royal Bank of Scotland (collectively, "Defendants"), so as
6 to conserve both party and judicial resources, by and through their respective counsel, hereby
7 stipulate as follows:

8 WHEREAS, Plaintiff Nypl filed a class action complaint for violations of the Sherman Act,
9 the California Cartwright Act, and the California Unfair Competition Law (the "Complaint") on May
10 21, 2015;

11 WHEREAS, the Plaintiffs filed the first amended class action complaint for violations of the
12 Sherman Act (the "First Amended Complaint") on June 11, 2015;

13 WHEREAS, on May 28, 2015, the Court entered an Order directing the parties to file a Joint
14 Case Management Statement by August 18, 2015, and to appear for a Case Management Conference
15 at 10:00 am on August 25, 2015;

16 WHEREAS, none of the Defendants in this action has been served with the Complaint or with
17 the First Amended Class Action Complaint;

18 WHEREAS, Defendants assert that class actions based on similar allegations are pending
19 before the Honorable Lorna G. Schofield in the United States District Court for the Southern District
20 of New York under the caption *In re Foreign Exchange Benchmark Rates Antitrust Litigation*, Case
21 No. 13-cv-7789;

22 WHEREAS, after the Defendants are served with the First Amended Class Action Complaint,
23 the Defendants intend to move to transfer venue from this Court to the United States District Court
24 for the Southern District of New York pursuant to 28 U.S.C. § 1404 or § 1406 for this action to be
25 consolidated with the *In re Foreign Exchange Benchmark Rates Antitrust Litigation*, Case No. 13-cv-
26 7789, and the Plaintiffs intend to oppose Defendants' motions;
27
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1 WHEREAS, the Defendants wish to clarify that by entering into this Stipulation and by
2 moving to transfer venue, they do not waive any defense or motion under Fed. R. Civ. P. 12,
3 including motions challenging jurisdiction and the sufficiency of the complaint;

4 AND WHEREAS, the Plaintiffs and Defendants have conferred and agreed that pursuant to
5 and in consideration for the terms of this Stipulation, and subject to the Court's approval (1) counsel
6 for Defendants will accept service of the First Amended Complaint on behalf of their client(s); (2) no
7 Defendant waives any defense, including personal jurisdiction, by entering into this Stipulation or
8 moving to transfer venue; (3) all deadlines for Rule 12 motions or responsive pleadings are stayed
9 pending the resolution of the Defendants' motions to transfer venue; (4) Defendants do not waive
10 their right to file any Rule 12 motions in this action after motions to transfer venue have been
11 decided; and (5) if the Court denies the Defendants' motions to transfer venue, the parties will confer
12 to establish a mutually agreeable schedule for Defendants to either move to dismiss or respond to the
13 First Amended Complaint.

14 THEREFORE, THE PARTIES, BY AND THROUGH THEIR RESPECTIVE
15 UNDERSIGNED COUNSEL, HEREBY STIPULATE, AND THE COURT ORDERS AS
16 FOLLOWS:

17 1. Service of the First Amended Complaint on the Defendants shall be effective as of the
18 date of the entry of the Order granting this Stipulation. Neither the Defendants' acceptance of such
19 service nor the Defendants' agreement to this Stipulation shall constitute a waiver of any other
20 defense, including, but not limited to the defense of lack of personal jurisdiction.

21 2. All deadlines for the Defendants to respond to the First Amended Complaint shall be
22 stayed pending resolution of the Defendants' motions to transfer venue. Defendants have not waived
23 their right to file any Rule 12 motions in this action.

24 3. The Defendants' motions to transfer venue must be filed no later than 20 days after the
25 entry of this Order. Such motions will be noticed for hearing, pursuant to Civil Local Rule 7-3, on
26 the first mutually agreeable hearing date after filing of the motions.
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4. If the Court denies the Defendants' motions to transfer venue, the parties will confer and propose a mutually agreeable schedule to the Court for Defendants to either move to dismiss or respond to the First Amended Complaint.

5. The case management conference is rescheduled to October 27, 2015. The case management statement is due 7 days before the CMC.

DATED: August 14, 2015

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: August 20, 2015

